

# SafetyAlert

FOR SUPERVISORS *The No. 1 source of actionable information to help supervisors keep their people safe*

Including:  
Supervisor's  
Safety Toolbox

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## Staffer performed hot work on top of a 55-gallon drum

*Worker could've handled job in area set up for welding tasks*

### Incident summary

A 64-year-old man was engulfed in flames while performing hot work on top of a 55-gallon drum that contained a flammable substance. He died six weeks later from his severe burn injuries.

### What happened

Even though his employer had specifically designated a certain area of the workplace for welding jobs, a crew member decided to perform hot work on top of a 55-gallon drum that contained a hazardous fluid.

After setting up the temporary welding station on top of the drum, the

staffer asked a coworker to hold the workpiece in position as he began the hot work. The welder made one weld and was starting to make a second weld when the drum exploded.

The force of the blast blew off the top of the drum. The man who'd been holding the workpiece fled the area, but he suffered a burned arm and injuries to his face.

The welder, meanwhile, was covered in burning fluid and was engulfed in flames. Coworkers used a fire extinguisher to put out the flames and pulled him to safety. He was rushed to a nearby airport and flown to a regional burn center,

where he died six weeks later from his severe thermal injuries.

### Findings

Investigators said the employer should've insisted that hot work be performed only in the designated location away from combustibles, rather than on top of a drum containing a flammable substance.

A pictogram on the drum indicated the presence of the hazardous chemical, but the crew members probably didn't understand what the symbol meant because they had not been provided with any safety training on hazard communication.

## Injured contractor sues, claims host employer disregarded safety manual

*Company contends worker had never expressed concerns about a potential hazard*

“We all feel terrible about the horrific injuries suffered by Ken, that contract worker,” said Alice, the supervisor, “but I find it hard to believe that he’s now claiming we’re at fault for the incident.”

“It’s hard to believe, for sure,” replied Ralph, the plant manager, “but we might be forced to defend ourselves in court. Can you remind me about the

circumstances that led to Ken’s injury?”

### Low visibility

“Sure,” replied Alice. “Ken was moving along a walkway to get from one job location to another. It was dark, so visibility was low. As he was stepping off the walkway, his foot slipped and his heel got stuck in an uncovered hole. He fell forward and twisted his back. He was badly hurt.”

“Yes,” replied Ralph, “Ken might never work again. Now he contends that we’re at fault for the mishap because the condition of the walkway violated our own requirements, as spelled out in our safety manual.”

“What requirements?” asked Alice.

### Anti-slip substance

“Ken claims that our safety manual stipulates that

walkways be coated with an anti-slip substance,” said Ralph. “And the manual states that walkways should be adequately illuminated at all times. Furthermore, Ken says the manual mandates that walkways have colored markings to warn of edges and elevation changes. He says our walkway met none of these requirements.”

“Well, yes,” said Alice, (Please see *Safety manual ...* on p. 2)

# Safety manual ...

(continued from p. 1)

“the walkway probably should’ve been in better condition and more adequately illuminated. Keep in mind, however, that Ken traversed that walkway multiple times every day but never once said a word about a potential hazard. Plus, if you ask me, the danger was obvious. He should’ve been more careful.”

## Previous incident

“Ken also contends that a previous incident put us on notice that the walkway was unsafe,” said Ralph. “What’s he talking about?”

“Oh,” said Alice, “he must be referring to the incident that happened about a month before he

got hurt. Another contract worker slipped on the same walkway, but his injuries were minor.”

## Didn’t happen again

“Ken argues that we had an obligation to investigate the previous incident and take steps to make sure it didn’t happen again,” said Ralph. “He says we failed to conduct an adequate investigation. As a result, Ken was later injured in a similar mishap.”

“Ken has forgotten to mention that he was an independent contractor,” said Alice. “We didn’t control the means and methods of his work. We should fight this lawsuit.”

**Result:** The company lost. The court refused to

dismiss the lawsuit. The judge first noted that the host employer violated its own safety manual by failing to cover the walkway with an anti-slip substance, properly illuminate the walkway and provide colored markings to warn of edges and elevation changes.

## Similar circumstances

The court also noted that one month prior to the incident, another contract worker had suffered an injury under similar circumstances, but the host employer failed to investigate that incident, even though its own policies required it to do so.

*Based on Olivier v. Exxon Mobil Corp.*

## What it means to you

Keep in mind that it pays to follow the requirements in your employer’s safety manual as much as possible. That’s because these stipulations are there for a reason: They help prevent mishaps.

As this case illustrates, failure to adhere to the requirements in a safety manual can lead to injuries – as well as costly lawsuits.

If you’re aware of any present conditions that could run afoul of your employer’s safety manual, talk to your safety manager right away to figure out how to address the potential risks to your people. In the meantime, take immediate steps to prevent staffers from using equipment that’s not in compliance with the stipulations in the safety manual.

## You make the call

### Was an eyewash station mandatory for risky job?

“You’re just looking for a reason to hammer us with a fine,” said George, the supervisor. “There was no exposure to the alleged hazard, so your citation makes no sense.”

“That’s not true,” said Tammy, the compliance officer. “You had a worker standing very close to a trench into which cement was being poured, but there was no eyewash station nearby. That’s an obvious violation of our regulations, which require quick drenching facilities whenever a staffer could be

exposed to danger from a corrosive chemical splashing into his or her eyes.”

“I understand the requirement for an eyewash station,” said George. “However, the employee was wearing safety goggles, so there was no chance something could’ve entered his eyes.”

## Not enough

“The safety goggles were a good idea,” said Tammy, “but they weren’t enough. The regulation is clear – an eyewash station was mandatory.”

“It’s not so clear to me,” said George. “Do you know how far away the man was from the trench while the concrete was being poured?”

“I don’t have an exact measurement, if that’s what you mean,” said Tammy.

“It is what I mean,” said George. “I asked the staffer, and he said he was at least 20 feet from the trench at the time of the pour. That seems like a safe distance to me, lacking any evidence to the contrary. We’ll challenge your citation.”

Did the company win?

■ *Make your call, then please turn to page 4 for the court’s ruling.*

## SafetyAlert

FOR SUPERVISORS

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*Safety Alert for Supervisors* (ISSN 1541-7379), June 27, 2022, Vol. 20, No. 457, is published 24 times per year by Institute of Business Publications, P.O. Box 1340, Havertown, PA 19083; PHONE: 484-472-8227; FAX: 484-472-8708.

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## quick ideas

### Know the benefits of rest and water breaks

You might already know that frequent rest and water breaks can help prevent heat illness among workers laboring in high temperatures, but do you know why?

These breaks help people battle the heat because

- the heart rate slows down
- the body cools down
- body fluids lost from sweating are replaced when water is consumed

### There are 8,000 hand amputations every year

Remind staffers who may not understand the benefits of protecting their hands from hazards that every year in the U.S., there are

approximately 8,000 hand amputations and a quarter-million other serious hand, finger and wrist injuries.

### Improperly inserted earplugs won't work

If any of your crew members are in the habit of partially inserting, lubricating, or modifying the shape of their earplugs because the plugs aren't comfortable, they should know that partially or improperly inserted earplugs aren't effective.

If earplugs aren't comfortable enough to wear for an extended period of time, the problem might be the fit or the size of the gear. Workers should try other options until they find

hearing protection that works for them.

### Keep the back straight during repetitive tasks

Let employees know that proper body posture and positioning can reduce unnecessary stress on their tendons and nerves, and lower the chances they'll suffer a repetitive strain injury.

That's why staffers should keep their backs straight, no matter the type of repetitive task. And they should maintain their hands at a neutral distance – not too close to their bodies but not too far away – allowing the muscles in the arms, shoulders and trunk to help share the workload.

## Mistakes that hurt

### Man horribly burned by 300°F substance

Your efforts to make sure staffers follow lockout/tagout procedures to the letter not only help prevent costly fines, but also help head off tragic worker fatalities.

**Company:** T.J. Campbell Construction Co., Oklahoma City, OK.

**Business:** Contractor.

**Agency:** Occupational Safety and Health Administration.

**Fine:** \$370,347 (proposed).

**Reason for fine:** Employees weren't properly adhering to lockout/tagout procedures.

**Note:** Inspectors knocked on the door after learning that a crew member who was cleaning a conveyor belt was pulled into a silo filled with a substance heated to 300°F when a coworker turned on the conveyor system, which hadn't been de-energized.

### Three injuries in two days leads to scrutiny

Do your staffers routinely put on flame-resistant clothing before working with flammables? If you're not sure, now might be a good time to check that workers have the clothing they need. Then be sure to monitor folks to make sure they're wearing the clothing when required.

**Company:** Continental Tire the Americas, LLC, Mount Vernon, IL.

**Business:** Tire manufacturer.

**Agency:** OSHA.

**Fine:** \$341,866 (proposed).

**Reason for fine:** The employer failed to provide flame-resistant clothing to staffers handling chemicals.

**Note:** The company jumped onto OSHA's radar screen after three workers suffered injuries in separate incidents on two consecutive days.



## safety news for supervisors

### Managers who falsified safety documents hit with criminal charges

If you doubt the importance of making sure safety documents are properly maintained and accurate, consider the plight now faced by five former supervisors with Didion Milling, Cambria, WI.

The five managers have been indicted by a grand jury for their roles in a May 2017 explosion and fire. According to the grand jury, the five men participated in a criminal conspiracy to mislead regulators about the mill's housekeeping practices.

The grand jury said the supervisors regularly falsified housekeeping documents to make it look like filters and other

equipment were regularly inspected and cleaned when, in fact, the devices weren't properly maintained. The managers allegedly backdated and backfilled paperwork instead of ensuring that safety documents were updated in real time.

Things came to a head in May 2017 when an explosion occurred inside a coarse grinder filter, then spread throughout the facility and ignited the high levels of combustible dust in the atmosphere. The deflagration incident killed five employees.

### Brace for scrutiny of your efforts to protect staffers from high heat

Get ready for new scrutiny of the steps you're

taking to protect your crew members from the dangers posed by high temperatures.

The deal: The Oregon Occupational Safety and Health Administration has rolled out a new heat illness prevention rule, effective June 15, 2022.

Under the standard, employers must take certain steps to protect their staffers depending on the temperature. When temperatures reach 80°F, companies must provide access to shade, offer cool drinking water to their crew members and develop an acclimatization plan. At 90°F, employers must also monitor staffers for signs of heat illness and make sure people in distress can quickly contact a supervisor.



## legal developments

### Did company have to protect worker from falling objects?

**Safety insight:** Keep in mind the significant risks posed by falling objects. Always make sure materials being unloaded are properly secured so they don't tip over and cause an injury.

**What happened:** A worker was standing on a flatbed truck about five feet above the ground helping unload materials from a crate. The crew was using suction cups to hoist and lift the objects.

**What people did:** As one of the items was being removed from the crate, the remaining materials began to tip over. They struck the worker and caused him to

tumble from the flatbed truck to the ground. The remaining materials in the crate landed on top of him. He suffered severe injuries.

**Legal challenge:** The injured worker sued his employer, contending that the company had a legal duty to protect him from the hazard of falling objects.

The company argued that the lawsuit lacked merit because the law was intended to safeguard him from falls higher than five feet. It also said the law provides no protection from the danger posed by tumbling objects.

**Result:** The company lost. The court refused to

dismiss the lawsuit, ruling that the employer had an obligation to protect the worker from gravity-related falls, no matter the height of the fall. The judge noted that the company took no steps to secure the materials in the crate or otherwise protect the staffer from the danger posed by unloading heavy objects from a crate.

**The skinny:** Courts usually make short work of lawsuits involving employers that fail to take adequate steps to protect their staffers from workplace hazards and instead expect employees to fend for themselves.

**Citation:** *Zuraw v. New York City School Construction Authority*, Supreme Court of New York, No. 524332/2019, 5/9/22.

### You make the call: The decision

(See case on page 2)

Yes. The company won. The Occupational Safety and Health Administration Review Commission tossed out the citation.

The commission said the inspector failed to provide adequate evidence that the worker was close enough to the trench to suffer an eye injury from a corrosive chemical splash. Because the officer was unable to provide the exact location of the worker in relation to the trench, the commission accepted the employer's explanation that the crew member was at least 20 feet from the hole.

In the eyes of the commission, 20 feet was far enough away that an eyewash station wasn't needed. The commission also noted that the staffer was wearing safety goggles, which further protected him from splash hazards.

#### What it means: Identify eyewash station location

Keep in mind that the need for a nearby eyewash station isn't always immediately obvious. Generally, the stations are mandatory for any work that could expose staffers to the risk of an injury from a chemical splash.

Always make sure that the job hazard analysis for tasks that involve potential dangers from splash injuries identifies the location of the nearest eyewash station. Then educate crew members to the position of the eyewash station before the job starts.

*Based on Secretary of Labor v. Bergelectric Corp.*



## horror stories

### Workers endured the sight of half a man lying on the floor

#### Summary

An inexperienced worker tripped and fell into a crucible containing molten metal heated to 2,600°F, but part of his body remained outside the vat before officials could arrive and remove it.

#### The incident

When Steven Dierkes, a worker at the Caterpillar plant in Mapleton, IL, was asked to carry a sample of iron from a lab to the foundry floor, he didn't think too much about it. After all, Dierkes had been on the job for less than a week and he wasn't aware of the significant hazards posed by the large melters

in the production area.

However, the routine task took a dramatic turn for the worse while Dierkes was walking past a crucible that contained molten metal heated to 2,600°F. He tripped and fell into the vat.

#### The response

Part of Dierkes's body went into the vat but part of him remained on the deck surrounding the crucible.

By the time emergency responders arrived a short time later, Dierkes was dead. Officials asked employees to move the contents of the crucible to another container to cool. Several hours later, they were able to sort

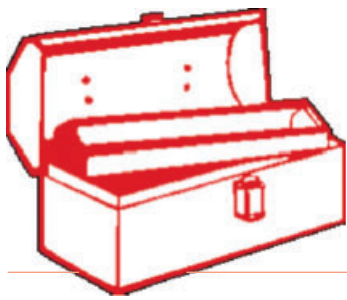
through the materials and find Dierkes's remains. He was quickly declared dead from thermal annihilation.

The plant was shut down and everyone was sent home. But one staffer pointed out that it must have been ghastly for the folks who saw the incident and then had to endure the sight of half their coworker's body lying on the deck before the coroner came.

#### The aftermath

Dierkes, 39, left behind his life partner, Jessica Sutter, and their three daughters.

"He was a hardworking teddy bear of a man with calloused hands and a tender heart," read his obituary. "He would have done anything for anyone with no expectation of anything in return."



# Supervisor's safety toolbox

## Safety meeting blueprint

✓ **Meeting Topic:** Burn injuries

✓ **Today's Date:** \_\_\_\_\_

✓ **Attendee Signatures:**

_____	_____
_____	_____
_____	_____

If you doubt the importance of knowing how to quickly and effectively treat a burn injury, consider this surprising statistic: Every day in the U.S., there are about 1,200 burn injuries that require medical treatment.

So there's a chance you could be required to respond promptly to a burn injury suffered by a coworker – or a colleague might need to quickly treat your burn injury.

The proper response to a burn injury depends on the source of the burn. Most often, these injuries are caused by heat, chemicals, or electricity.

### Determine severity

For burns caused by heat, first determine the severity of the burn, which depends on how many layers of skin are affected. First-degree burns damage only the outer layer of skin and usually appear as a red blotch.

Treat a first-degree burn by cooling the area under low-pressure water or by covering it with a cold

compress long enough to reduce the pain – figure about 15 minutes. Don't place ice directly on the burn because it can cause frostbite. An over-the-counter pain medication such as aspirin or Advil can help reduce the pain.

### Second-degree burns

If the burn has affected more than the outer layer of skin, it's classified as a second-degree burn. You'll see blisters; heavy swelling; and red, white, or splotchy skin.

Treat the burn by soaking the affected area in cool water for about 15 minutes. Don't break any blisters that might have formed on the skin.

*(What does a third-degree burn look like?)*

A third-degree burn, which is the most severe type, appears as white, black, or charred skin. To treat these injuries, call 9-1-1 right away and notify your supervisor. While waiting for help, lay the victim down and elevate severely burned limbs. Cut away clothing if needed,

but don't remove clothing that's stuck to burned skin.

In some cases, the source of the burn injury might be electricity. In those situations, don't treat the victim until you're sure he or she has been disengaged from the electrical circuit. Call for medical help right away and turn off the power source. Check to see whether the person is breathing. If not, administer CPR if you know how. Cover the burn with a dry, sterile dressing, but don't cool it with water.

### Continue to burn

In some cases, burns result from contact with chemical substances. These injuries can be severe because they continue to burn after the chemical has been removed. The longer the contact, the deeper the burn. Quickly get the victim to an eyewash station or shower, then flush the area with water for at least 30 minutes.

Thanks for your attention. And remember, let's stay safe out there!

*(See next page for test)*

## Tailgate talk

Today's Subject:

### Fall protection

Date: \_\_\_\_\_

While most of us might immediately recognize the need to take steps to prevent injuries from falls when working at extreme heights, not everyone might know that fall protection could be needed when laboring at heights as low as six feet.

For instance, one recent study found that 72% of fatal falls in one industry involved heights of less than 30 feet.

### What to focus on

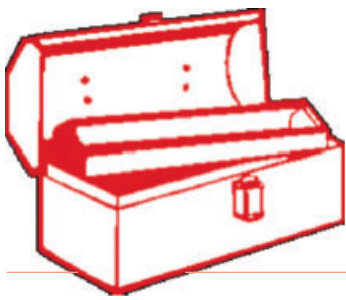
Here are two things to keep in mind in order to reduce the chances of a fall-related injury from any height.

#### 1. Inspect fall protection equipment before using it.

Never put on a personal fall arrest system (PFAS) before inspecting it for damage. Look for the effects of heat, which can cause nylon material to become brittle, as well as from chemicals, paints and solvents, which create brown smears on the gear. Remove broken PFASs from service right away.

#### 2. Ensure that equipment has been set up properly.

Don't use a PFAS until you've confirmed that it has been safely configured. For instance, the anchorage point must be capable of withstanding 5,000 pounds of pressure and should be placed high enough to prevent you from striking a lower level or the ground during a fall.



# Supervisor's safety toolbox

## Safety meeting blueprint: Test your knowledge

### Meeting Topic: Burn injuries

**1. The best way to treat a third-degree burn is to**

- a. Call the victim's spouse
- b. Give the person Advil
- c. Call 9-1-1 right away
- d. None of the above

**2. Second-degree burns usually appear as**

- a. Heavy swelling
- b. A red blotch
- c. Charred skin
- d. None of the above

**3. About how many burn injuries that require medical treatment happen in the U.S. every day?**

- a. 12
- b. 120
- c. 1,200
- d. 12,000

**4. While treating a severe**

**burn, you shouldn't remove clothing that's stuck to damaged skin. True or False?**

**5. If a coworker has suffered a chemical burn, you should get him or her to an eyewash station or shower and flush the affected area with water for at least**

- a. 30 seconds
- b. 30 minutes
- c. 30 hours
- d. None of the above

**6. You shouldn't help a victim suffering from a burn injury caused by electricity until**

- a. You're sure the person has been disengaged from the electrical circuit

- b. You've checked with a coworker to make sure it's OK to begin treatment
- c. You've verified that your life insurance policy is up to date
- d. None of the above

**7. Burn injuries are most often caused by**

- a. Heat
- b. Chemicals
- c. Electricity
- d. Any of the above

**8. The best way to treat a first-degree burn is to place ice directly on the affected skin. True or False?**

- 9. You can treat a first-degree burn by covering it with a cold compress for about

- a. 15 seconds
- b. 15 minutes
- c. 15 hours
- d. None of the above

**10. If a burn-injury victim isn't breathing, you should**

- a. Evacuate the building
- b. Call his or her spouse
- c. Administer CPR
- d. None of the above

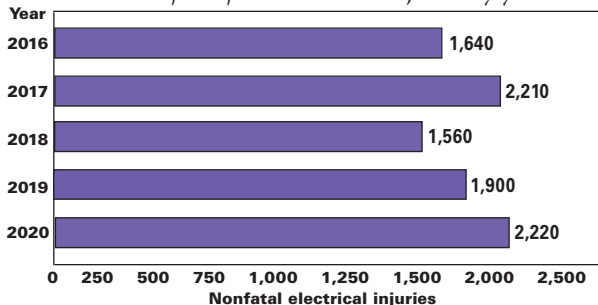
**11. First-degree burns usually appear as**

- a. Heavy swelling
- b. A red blotch
- c. Charred skin
- d. None of the above

- 12. If you see a blister caused by a burn injury, you should break it right away. True or False?

## Did you know?

**Beware of the dangers posed by electricity**  
*Number of nonfatal electrical injuries by year*



By following safe practices when working with electricity, you decrease the chances of getting hurt. Consider that the number of annual workplace electrical injuries among private employers in the U.S. jumped by more than 35% between 2016 and 2020.

Source: Electrical Safety Foundation International

## Test your knowledge: The answers

- 1. c and contacts you.
- 2. a
- 3. c
- 4. True. Don't try to remove stuck clothing, because doing so could aggravate the injury.
- 5. b
- 6. a. If the victim is still in contact with the electrical circuit, you could suffer an injury when energy surges through the person.
- 7. d
- 8. False. Don't place ice directly on the burn - it could eventually cause frostbite.
- 9. b
- 10. c
- 11. b
- 12. False. Never break a blister on a burn; it increases the chances of an infection.